



## COUNTY BOARD OF SUPERVISORS

### NOTICE OF MEETING

NOTE: UNDER THE KENOSHA COUNTY BOARD OF RULES OF PROCEDURE ANY REPORT, RESOLUTION, ORDINANCE OR MOTION APPEARING ON THIS AGENDA MAY BE AMENDED, WITHDRAWN, REMOVED FROM THE TABLE, RECONSIDERED OR RESCINDED IN WHOLE OR IN PART AT THIS OR AT FUTURE MEETINGS. NOTICE OF SUCH MOTIONS TO RECONSIDER OR RESCIND AT FUTURE MEETINGS SHALL BE GIVEN IN ACCORDANCE WITH SEC. 210(2) OF THE COUNTY BOARD RULES. FURTHERMORE, ANY MATTER DEEMED BY A MAJORITY OF THE BOARD TO BE GERMANE TO AN AGENDA ITEM MAY BE REFERRED TO THE PROPER COMMITTEE. ANY ITEM SCHEDULED FOR THE FIRST OF TWO READINGS IS SUBJECT TO A MOTION TO SUSPEND THE RULES IN ORDER TO PROCEED DIRECTLY TO DEBATE AND VOTE. ANY PERSON WHO DESIRES THE PRIVILEGE OF THE FLOOR PRIOR TO AN AGENDA ITEM BEING DISCUSSED SHOULD REQUEST A COUNTY BOARD SUPERVISOR TO CALL SUCH REQUEST TO THE ATTENTION OF THE BOARD CHAIRMAN.

**NOTICE IS HEREBY GIVEN** the **Regular County Board Meeting** of the Kenosha County Board of Supervisors will be held on Tuesday, the **1st day of August, 2017 at 7:30PM., in** the County Board Room located in the Administration Building. The following will be the agenda for said meeting:

- A. Call To Order By Chairwoman Breunig
- B. Pledge Of Allegiance
- C. Roll Call Of Supervisors
- D. Citizen Comments
- E. Announcements Of The Chairwoman
- F. Supervisor Reports
- G. NEW BUSINESS

Resolution - One Reading

30. From The Legislative Committee A Resolution Calling On The Wisconsin Legislators To Protect Homeowners From "Dark Store" Assessing Practices

Documents:

[RESOLUTION DARK STORE- SIGNED.PDF](#)

31. From The Public Works & Facilities Committee A Resolution Memorializing County Trunk Highway N As A Recorded And Public Highway

Documents:

[RESOLUTION MEMORIALIZING COUNTY TRUNK HIGHWAY N.PDF](#)

- H. CLAIMS

7. Tristan J. Dionne - Vehicle Damage

Documents:

[TRISTAN J. DIONNE.PDF](#)

I. Approval Of The July 18, 2017 Minutes By Supervisor Franco

J. Adjourn

# County of Kenosha

## Board of Supervisors

Resolution No. \_\_\_\_

### RESOLUTION CALLING ON THE WISCONSIN LEGISLATORS TO PROTECT HOMEOWNERS FROM “DARK STORE” ASSESSING PRACTICES.

Original <u>X</u> Corrected ____                      2 <sup>nd</sup> Correction ____                      Resubmitted ____			
Date Submitted: May 15, 2017                      Date resubmitted: _____			
Submitted by: Supervisors Jill Gillmore & Jeff Wamboldt			
Fiscal Note Attached: ____                      Legal Note Attached: ____			
Prepared By: Supervisor Jill Gillmore			

**WHEREAS**, home owners in Wisconsin already pay approximately 70% of the total statewide property tax levy; and

**WHEREAS**, that property tax burden is about to get more disproportionate unless the legislature addresses tax avoidance strategies that national chain stores are using across the country to gain dramatic reductions in their property tax bills at the expense of homeowners and other taxpayers; and

**WHEREAS**, national chain stores are using what is known as the “Dark Store Theory” to argue that the assessed value of a new store in a thriving location should be based on comparing their buildings to sales of vacant stores in abandoned locations from a different market segment; and

**WHEREAS**, national chain stores in Wisconsin have argued in communities across Wisconsin that the assessed value of their property for property tax purposes should be less than half of their actual sale prices on the open market; and

**WHEREAS**, lawsuits filed by national chain stores in Wisconsin are forcing assessors to dramatically reduce the market value of thriving national retail stores, shifting their tax burden to local businesses and homeowners; and

**WHEREAS**, in many cases the courts have sided with their national chain stores, requiring communities to refund tax revenue back to the stores.

**NOW, THEREFORE, BE IT RESOLVED**, that the Kenosha County Board of Supervisors call on the Wisconsin State Legislature and Governor to protect homeowners and local businesses from having even more of the property tax burden shifted to them by passing legislation clarifying that: leases are appropriately factored into the valuation of leased properties; and when using the comparable sale method of valuation, assessors shall consider as comparable only those sales within the same market segment exhibiting a similar highest and best use rather than similarly sized but vacant properties in abandoned locations; and

**BE IT FURTHER RESOLVED**, that the Kenosha County Board of Supervisors call on the Wisconsin State Legislature and Governor to pass legislation prohibiting assessors from valuing new retail stores the same as nearby abandoned stores from a different market segment; and

**BE IT FURTHER RESOLVED**, that the Kenosha County Board of Supervisors urges our Legislators and the Governor to support LRB-0373 known as the Dark Store Bill and LRB-0372 which reverses the 2008 Walgreens vs. City of Madison decision; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to Kenosha County's legislative delegation, Governor Scott Walker, the Wisconsin Counties Association, and to all other Wisconsin counties.

Respectfully Submitted,

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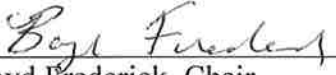
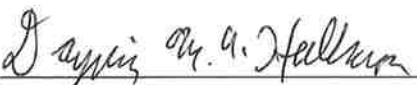
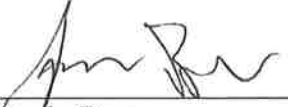

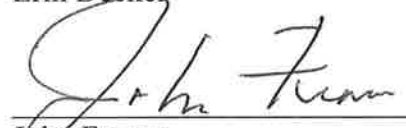
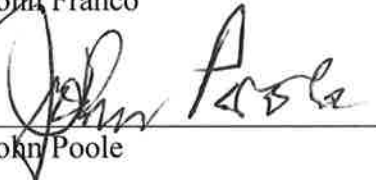

Jill Gillmore

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Jeff Wamboldt

Approved by:

Legislative Committee:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Excused</u>
 Boyd Frederick, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Dayvin Hallmon, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Andy Berg	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Erin Decker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 John Franco	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 John Poole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Michael Skalitzky	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



[www.somers.org](http://www.somers.org)

P.O. Box 197, Somers, WI 53171 • PH: (262) 859-2822 • FAX: (262) 859-2331

July 17, 2017

Kenosha County Legislative Committee  
County Board  
Attn: Boyd Frederick, Chairman  
1010 56<sup>th</sup> Street  
Kenosha, WI 53140

Dear Legislative Committee and County Board:

I strongly encourage you to thoroughly consider and ultimately vote in favor of the resolution in front of you dealing with proposed "Dark Store" legislation.

Unfortunately the Village of Somers and its taxpayers are facing the very real threat of the "Dark Store Loophole". Currently, Wal-Mart and Sam's Club are planning to take their property assessment to Court and if they are successful in their litigation could cost Somers taxpayers over \$7 million dollars spread across each property owner in the Village.

Once again, I strongly encourage you to vote in favor of the resolution in front of you. We need to do all we can to persuade our state leaders to do the right thing by its taxpayers and pass legislation ending the "Dark Store Loophole" once and for all.

Sincerely yours,

George Stoner, President

CC: Jack Aupperle, Joe Cardinali, Dave Geertsens, Rich Heinisch, Gregg Sinnen, Karl Ostby, Trustee's  
William A. Morris, Village Administrator  
Timothy L. Kitzman, Clerk Treasurer  
Jeffrey J. Davison, Village Attorney



# COUNTY OF KENOSHA

## OFFICE OF THE COUNTY EXECUTIVE

Jim Kreuser, County Executive

1010 – 56<sup>th</sup> Street, Third Floor

Kenosha, Wisconsin 53140

(262) 653-2600

Fax: (262) 653-2817

June 28, 2017

Dear Ways and Means Committee Members:

As Kenosha County Executive, I urge your support of both 2017 AB 386 (dark store) and 2017 AB 387 (Walgreens reversal).

Like many other communities, ours has been negatively impacted as the result of a property tax cost shifting from retailers to residential taxpayers. By approving these bills, you will help eliminate this unfair practice of successful commercial businesses putting an unfair burden on hardworking homeowners.

To argue that a new large retail building in a burgeoning southern half of the City of Kenosha can be compared to a more than 30 year old former big box retail store in an older part of the City of Kenosha, for example, is ludicrous. This is a real example in Kenosha that would result in a \$250,000 blow to residential taxpayers.

A similar shift has occurred consistently with Walgreens stores as they seek to ignore the value of their operation and attempt to not pay their fair share in property taxes. There are multiple examples of this unfair practice in our county that have resulted in a shift of millions in taxes to homeowners.

Additionally, most of the time, large retail operators do not bring forth their assessment concerns to the Board of Review. They, instead bypass the process, withhold information and go right to Circuit Court. This practice wastes taxpayer dollars by going through the Court system.

These retailers are exploiting loopholes in the assessment law and are leaving residential property owners to pick up the bill, but without enjoying any increases in services. It is unfair and damaging to the wallets of residents.

I ask that you support 2017 AB 386 and 2017 AB 387. Passage of these bills will restore equity for residential taxpayers and allow municipalities and counties to fairly assess property and efficiently provide services.

Sincerely,

Jim Kreuser

**County of Kenosha**  
**Board of Supervisors**  
**Resolution No. \_\_\_\_**

Subject: A RESOLUTION MEMORIALIZING COUNTY TRUNK HIGHWAY N AS A RECORDED AND PUBLIC HIGHWAY			
Original <u>  X  </u>	Corrected <u>  </u>	2 <sup>nd</sup> Correction <u>  </u>	Resubmitted <u>  </u>
Date Submitted: August 1, 2017			
Date resubmitted: _____			
Submitted by: Public Works/Facilities Committee			
Fiscal Note Attached: <u>  </u>		Legal Note Attached: <u>  </u>	
Prepared By: Corporation Counsel Joseph M. Cardamone III			

**WHEREAS**, Continued development with Kenosha County benefits us all through the creation of new jobs and the expansion of the economic base; and

**WHEREAS**, The County of Kenosha, the City of Kenosha, the Village of Somers and the Town of Paris are all desirous of facilitating such development by creating conditions appropriate for it to occur; and

**WHEREAS**, The aforementioned parties, as well as others, have negotiated an Intergovernmental Agreement designed to permit such development to occur whilst being beneficial to all parties and respectful of both municipal sovereignty and individual property owner rights; and

**WHEREAS**, As a provision of this Intergovernmental Agreement, the County of Kenosha would be transferring to the City of Kenosha jurisdiction of a portion of 38<sup>th</sup> Street, also known as County Trunk Highway "N", from I-94 west to 128<sup>th</sup> Avenue, as described on the attached Exhibit 1; and

**WHEREAS**, This Agreement calls for the County Board to pass a resolution memorializing that this is a "recorded highway" as that term is used in Sec. 82.01 (8) Wis. Stats. and that it has been worked by the County as a public highway in its current roadbed for over sixty years; and

**WHEREAS**, Research has discovered that in a Plat book published in 1950, County Trunk Highway "N" had already been established, as seen in the attached Exhibit 2, and recorded thusly;

**NOW THEREFORE BE IT RESOLVED**, That the Kenosha County Board of Supervisors does hereby find and memorialize that County Trunk Highway "N" is a "recorded highway" as that term is used in Sec. 82.01 (8) Wis. Stats.; and

**BE IT FURTHER RESOLVED**, That the County Board of Supervisors does approve the description attached as "Exhibit 1" as that portion of County Trunk Highway "N" roadway to be transferred to the



City of Kenosha, which is 66 feet in width, as it has existed and has been worked continuously for the past sixty years by Kenosha County for that portion of CTH “N” from I-94 west to 128<sup>th</sup> Avenue, as described on the attached Exhibit 1; which is committed for a transfer jurisdiction from the County to the City of Kenosha; further does hereby accept all prior dedications, gifts, reservations and/or exceptions for highway purposes, deeds, easements, and all transfers real estate interest for public roadway purposes, that have been made in the past but not yet accepted by the public, that are related in any way to the roadway now known as County Trunk Highway “N.”

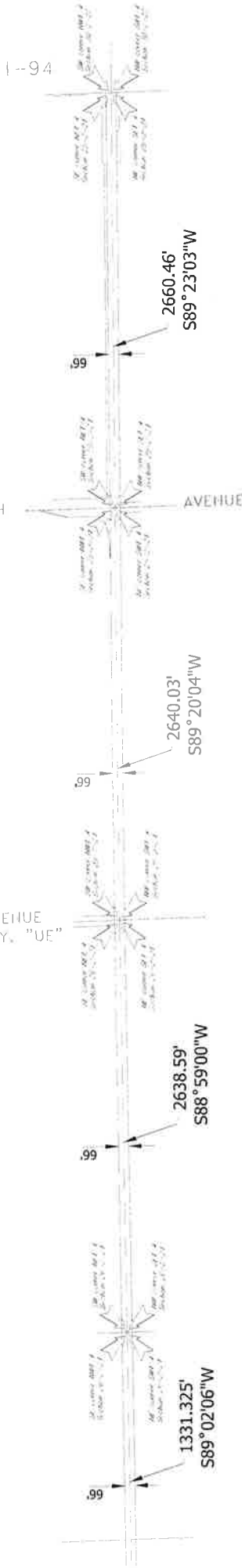
## Public Works/Facilities Committee:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Excused</u>
<hr/> Dennis Elverman, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> William Grady, Vice-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> Steve Bostrom	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> John Franco	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> Jill Gillmore	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> John O'Day	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> Jeff Wamboldt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

136TH AVENUE  
CO. TR. HWY. "UE"

128TH

AVENUE



Legal Description for Jurisdictional Transfer of that part of  
County Trunk Highway "N" lying west of Interstate Highway I-94  
and 1331.325 feet east of County Trunk Highway "M8"

That part of County Trunk Highway "N" in Sections 25 and 26, all in Town 2 North, Range 21  
East of the Fourth Principal Meridian, lying and being in the town of Paris, Kenosha County,  
Wisconsin, and being a highway of 66 feet in width right of way, and being  
more particularly described as follows:

Bearings shown hereon refer to Wisconsin Plane Coordinate System South Zone.

Beginning at the east corner of Section 25; thence S89°23'03"W 2660.46 feet and to the  
center of Section 25; thence S89°20'04"W 2640.03 feet to the west corner Section 25, which  
corner is also the east corner of Section 26; thence S88°59'00"W 2638.59 feet and to the  
center of Section 26; thence S89°02'06"W 1331.325 feet and to the point of termination.

The Jurisdictional Transfer of that part County Trunk Highway "N" lying west of Interstate  
Highway I-94 shall include all of the above described 66 feet in width right of way excepting:

- 1) All that part of Interstate Highway I-94 right of way and per Document Number 1633919  
and recorded on December 1, 2010 with the Kenosha County Register of Deeds Office.
- 2) All that part of Certified Survey Map Number 2808, as per Document Number 1769050 and  
recorded on April 4, 2016 with the Kenosha County Register of Deeds Office.
- 3) All that part of Out Claim Deed, as per Document Number 1773799 and recorded on June  
13, 2016 with the Kenosha County Register of Deeds Office.

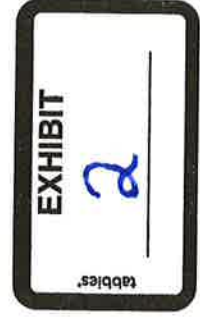


Plat 1 Showing  
CENTERLINE OF A 66' RIGHT OF WAY  
COUNTY TRUNK HIGHWAY "N" (38th STREET)  
in Sections 25 & 26, T2N, R21E, S4  
TOWN OF PARIS  
KENOSHA COUNTY WIS

Bearings shown hereon refer to Wisconsin  
Plane Coordinate System, South Zone

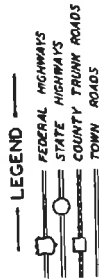
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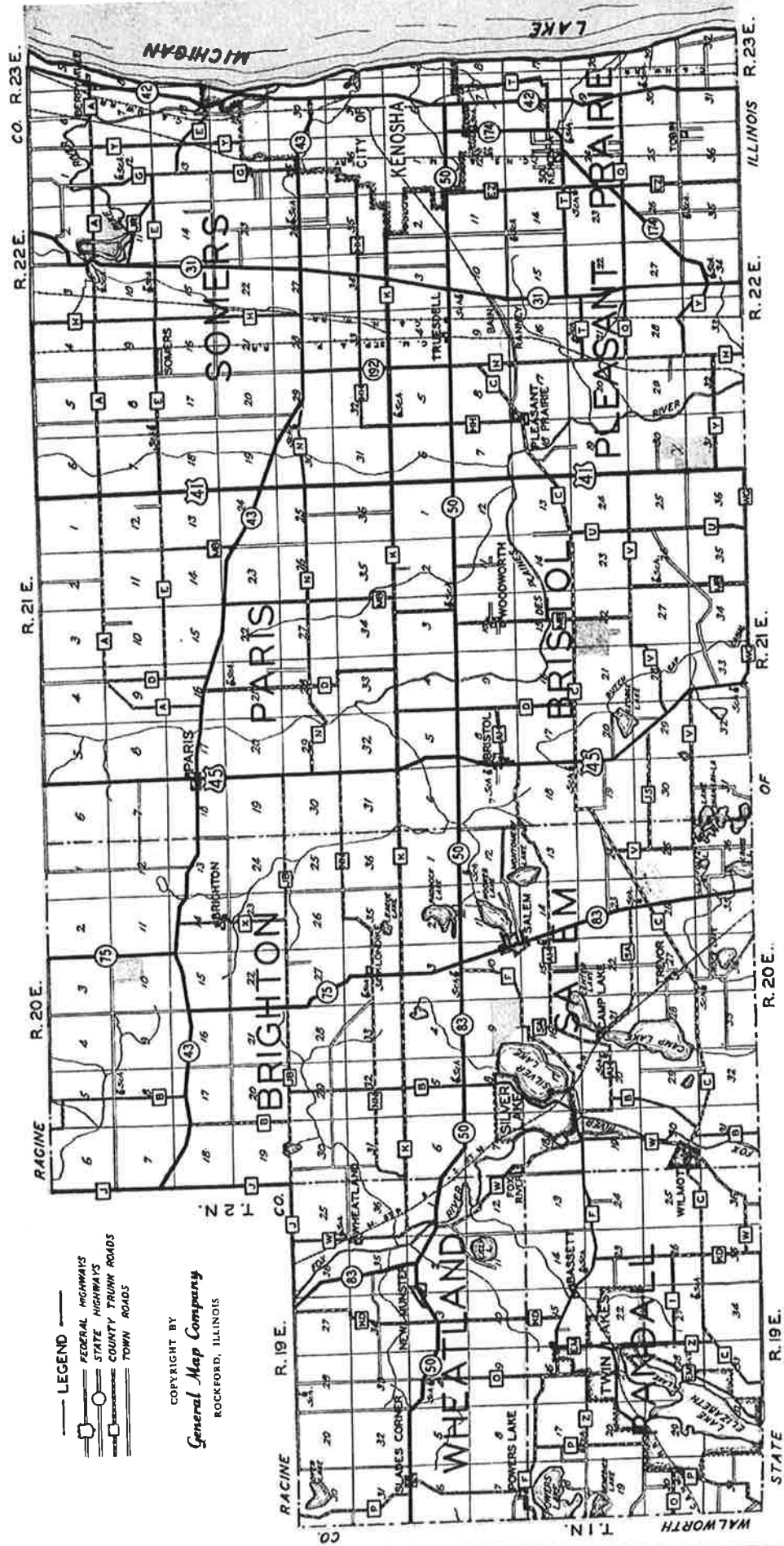




Outline Map of  
**KENOSHA COUNTY**  
WISCONSIN



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GL-16-17



# COUNTY OF KENOSHA

## COUNTY CLERK

Mary T. Schuch-Krebs

1010 - 56th Street  
Kenosha WI 53140  
(262) 653-2552  
Fax: (262) 653-2564

JUL 24 2017

MARY T. SCHUCH-KREBS  
COUNTY CLERK

### CLAIM AGAINST KENOSHA COUNTY

FULL NAME Tristan J. Dionne DATE 06/11/17

ADDRESS Bldg 1820 Rm. 131 Scott AFB 62225

TELEPHONE NUMBER: Home: 715-216-7150

Work: \_\_\_\_\_

DATE & TIME OF ACCIDENT OR LOSS 3:10 pm 4-17-17?

LOCATION OF ACCIDENT exit 345 on 94/120th

*Not sure on date anymore, check records. I've called several times*

DESCRIPTION OF ACCIDENT OR LOSS Travelling Southbound,  
3 County Trucks Pulled onto 94 just ahead of me.  
Once they got up to speed, The truck in front of me  
started losing its load, (creating debris).  
I heard several loud noises from debris hitting  
my car.

Once stopped I found 1 window chip and 2 chip  
on my hood. I have called several times, spoken with  
3 people and I just received this paper.

WITNESS: Name Kelly Snow

Address \_\_\_\_\_

Phone \_\_\_\_\_

AMOUNT OF CLAIM (damages) \$ 1722.07

CLAIMANT'S SIGNATURE Tristan Dionne

Please attach receipts, estimates, and/or other supporting data to this form.

RETURN THIS FORM TO: KENOSHA COUNTY CLERK  
1010 - 56<sup>TH</sup> STREET  
KENOSHA WI 53140